

April 16, 2010

RE: Gwynns Falls Trail / CSX Bridge, MD
City of Baltimore, Maryland

Mr. Nelson J. Castellanos
Division Administrator
Federal Highway Administration
City Crescent Building
10 South Howard Street
Baltimore MD 21201

Attention: Mr. Jitesh Parikh

Dear Mr. Castellanos:

In accordance with the CEQ Regulations and 23 CFR 771 and 23 CFR 774, the Maryland State Highway Administration (SHA), on behalf of the City of Baltimore Department of Transportation, recommends that the subject be classified as a Categorical Exclusion (CE). We also request your concurrence that the requirements of Section 4(f) do not apply to this project.

Project Description

The proposed project is located on the former Carr-Lowrey glass factory and the LaFarge concrete batching plant, adjoining the Middle Branch of the Patapsco River. This project will be constructed to coincide with the overall Westport Waterfront redevelopment site and represents the efforts to revitalize the Middle Branch to an environmentally sensitive, modern functioning community. Specifically, the project involves construction of approximately 2,400 linear feet of a porous multipurpose trail to allow infiltration of stormwater and improve water quality (reduction of nitrogen, phosphorous and sediment) before outfalling into the Middle Branch, a tributary of the Chesapeake Bay (**Attachment 1**). This multipurpose trail (for hiking and biking) is an extension of the Gwynns Falls Trail, a unique 15-mile urban hiking and biking trail providing access to a scenic and historic greenway stream valley in Baltimore City. The greenway now connects over 2,000 acres of publically owned land within the Gwynns Falls stream valley and includes one of the largest wilderness woodland parks in the Eastern United States. The Trail has been designed as part of the East Coast Greenway and the Chesapeake Bay Gateways Network.

Environmental Evaluation

As part of the documentation process for federal-aid projects, the Federal Highway Administration (FHWA) must determine if the requirements of Section 4(f) apply to the use of

land from a publicly-owned public park or recreational area. According to 23 CFR 774(g), transportation enhancement projects and mitigation activities are exempt from the provisions of Section 4(f) provided that: (1) the use of the Section 4(f) property is solely for the purpose of preserving or enhancing an activity, feature, or attribute that qualifies the property for Section 4(f) protection; and (2) the official with jurisdiction over the Section 4(f) resource agrees in writing to paragraph (g) (1). On April xx, 2010, the City of Baltimore's Department of Recreation and Parks, which has jurisdiction over the Gwynns Falls Trail, concurred with the determination that the proposed project would enhance the recreational function of the Gwynns Falls Trail and that there is no Section 4(f) use of the park properties. (**Attachment 2**). In addition, the Gwynns Falls Trail / CSX Bridge, MD project is an essential component to the continuity of the City of Baltimore trail system. Thus, in accordance with 23 CFR 774, SHA believes the requirements of Section 4(f) would not apply to this project.

The Maryland State Historical Preservation Officer, in conjunction with the U.S. Army Corps of Engineers, determined that the Westport Waterfront project (and the Gwynns Falls Trail) will have an adverse effect on historic properties and on August 21, 2007, signed a Memorandum of Agreement (MOA) with the developer (Turner Development Group), the U.S. Army Corps of Engineers, and The Baltimore Commission for Historical and Architectural Preservation to satisfy the requirements of the Maryland Historical Trust Act of 1985. (**Attachment 3**).

According to the U.S. Fish and Wildlife Service (FWS), except for occasional transient individuals, no federally proposed or listed endangered or threatened species are known to exist within the project area. Therefore, no Biological Assessment or further Section 7 consultation with the U.S. Fish and Wildlife Service is required. (**Attachment 4**).

On October 15, 2009, the Maryland Department of Natural Resources (DNR), Wildlife and Heritage Service confirmed that they have no records of any federal or state listed rare, threatened or endangered plants or animals within the project site as delineated (**Attachment 5**).

On October 5, 2009, DNR's Environmental Review Unit indicated that the proposed activities do not conflict with any of DNR's goals, objectives or programs (**Attachment 6**).

This project is located entirely within the Critical Area for the Chesapeake and Atlantic Coastal Bays in an area that is designated as an Intensely Developed Area (IDA). (**See email comment #1**)

Air and noise analyses are not warranted since the project does not result in any capacity improvements. The project is identified in the current Statewide Transportation Improvement Program (STIP) as 12-9323-03 and the Transportation Improvement Program (TIP) number is A-27-1. This project is exempt from the requirement that a conformity determination be made (U.S. Environmental Protection Agency (EPA) Criteria and Procedures for Determining Conformity to State or Federal Implementation Plans, Programs or Projects-Final Rule).

The purpose of this project is to enhance recreational activities and increase potential bicycle commuter use within the City of Baltimore. The proposed work would not result in any meaningful changes in traffic volumes, vehicle mix, location of the existing facility, or any other factor that would cause an increase in emissions impacts relative to the No-Build Alternative.

This project will not generate air quality impacts for the Clean Air Act criteria pollutants and has not been linked with any other special Mobile Source Air Toxics (MSAT) concern. Consequently, this project is exempt from an analysis for MSATs.

Moreover, the EPA regulations for vehicle engines and fuels would cause overall MSATs to decline significantly over the next 20 years. Even after accounting for a 64 percent increase in the vehicle miles travelled (VMT), the FHWA predicts MSATs would decline in the range of 87 percent to 57 percent from 2000 to 2020 based on regulations now in effect. This would reduce the background level of MSATs as well as the possibility of even minor MSAT emissions from this project.

Projects which are exempt from project level conformity are also exempt from the PM2.5 project level conformity determination requirements, in accordance with 40CFR93.126. Exempt projects are listed in 40CFR93.126 in Table 2 and this project is an example of a bicycle and pedestrian facility. This project would not increase traffic capacity.

No significant environmental impacts would occur as a result of this project, and there is little potential for secondary impacts. (See email comment #2) The project would not cause any disproportionately high or adverse impacts to minorities or low income populations. The proposed project is consistent with Baltimore's Bicycle Master Plan (March 2006) and City of Baltimore's Comprehensive Master Plan (reevaluated 2008).

Conclusion

In sum, the proposed project will not involve any significant environmental impacts to socio-economic, natural or cultural resources. It will not induce significant foreseeable alterations in land use or affect planned growth. As such, we request FHWA's concurrence in classifying this project as a CE and that the requirements of Section 4(f) do not apply.

Sincerely,

Neil J. Pedersen
Administrator

by: _____
Gregory I. Slater, Director
Office of Planning and
Preliminary Engineering

We concur with your determination that this Project meets the criteria for a CE and that the requirements of Section 4(f) do not apply and hereby grant Location Approval.

Federal Highway Administration
Division Administrator

Date

Attachments

cc: Mr. Victor Barreira, Project Engineer, Office of Highway Development, SHA
(w/Attachments)
Mr. Glen Carter, Property Review and Compliance, Office of Real Estate, SHA
(w/Attachments)
Ms. Ms. Kate Ellis, Assistant Earmarks Liaison, Regional and Intermodal Planning
Division, SHA (w/Attachments)
Mr. Gary Gray, Chief, Federal Aid Programming Section, Office of Finance, SHA
(w/Attachments)
Ms. Kristie Hewlett, Environmental Manager, Environmental Planning Division, SHA
(w/Attachments)
Ms. Mary Keller, Earmarks Liaison, Regional and Intermodal Planning Division, SHA
(w/Attachments)
Mr. David Nafisi, Engineer II, Transportation Engineering and Construction Division,
Baltimore City Department of Transportation (w/Attachments)
Mr. Richard L. Miller, Jr., Project Engineer, STV Incorporated (w/Attachments)